UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,331	02/26/2002	Masahiro Kaiwa	9683/103	7057

79510 7590 02/09/2009

NTT Mobile Communications Network I/BHGL
P.O. Box 10395
Chicago, IL 60610

EXAMINER	
DURAN, ARTHUR D	
ART UNIT	PAPER NUMBER
3622	
MAIL DATE	DELIVERY MODE
02/09/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/070,331
Filing Date: February 26, 2002
Appellant(s): KAIWA ET AL.

Amir N. Penn
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/9/3008 appealing from the Office action mailed 12/10/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Stewart	6,259,405	7-2001
Bide	20020052684	5-2002
Treyz	6,587,835	7-2003
Steele	2002/0046084	4-2002
DeLorme	5,948,040	9-1999
Cox	7,047,019	5-2006

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-11, 14-20, and 22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart (6,259,405) in view of [Bide (20020052684 OR Treyz (6,587,835)].

Claims 1, 18, 23-28: Stewart discloses a location information service supporting method comprising:

a location information obtaining service in which a location information service supporting gateway situated between a first network including a mobile network and a second network obtains a location information indicating the location of a locating target person via the first network and a mobile device accompanied with the locating target person so that a service provider provides a service relating to the location of the locating target person; and

a location information sending service in which the location information service supporting gateway sends the location information to a destination designated

by the service provider via the first or the second network (Figures 1a, 1c, 4, 5, 7, 8a).

Stewart discloses the above and further discloses wherein the location information obtaining service comprises: a step for determining an appropriate locating method for a mobile device accompanied with the locating target person; a step for ordering to locate the locating target person to a locating means which locates in a determined locating method; and a step for

obtaining the location information sent from the locating means in response to the ordering (Figures 1c, 8b, 4).

Stewart does not explicitly disclose selecting at least one locating method from a plurality of locating methods or utilizing Differential GPS (DGPS).

However, [Bide ([20, 33]; claim 8) OR Treyz (col 23, line 34-col 24, line 5)] discloses selecting at least one locating method from a plurality of locating methods and also utilizing Differential GPS (DGPS) for more accurate locating.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Stewart can utilize a preferred locating method or DGPS in order to locate the user. One would have been motivated to do this in order to better locate the user.

Claim 2: Stewart discloses a location information service supporting method of claim 1, wherein, in the location information sending service, the location information service

supporting gateway sends the location information to the service provider (Figures 1a, 1c, 4, 5, 7, 8a, 8b, 9a, 9b).

Claim 3: Stewart discloses a location information service supporting method of claim 1, wherein the second network includes a network, and wherein, in the location information sending service, the location information service supporting gateway sends the location information to a destination designated by the service provider via this mobile network (Figure 1a; col 5, line 60-col 6, line 5).

Claim 4, 19: Stewart discloses a location information service supporting method of claim 1, wherein, on behalf of the service provider, the location information service supporting gateway certifies a locating target person or a person who receives a service (Figure 4, item 440).

Claim 5: Stewart discloses a location information service supporting method of claim 1, wherein, on behalf of the service provider, the location information service supporting gateway determines if locating a locating target person is possible (Figure 4, item 420).

Claims 6, 7, 20: Stewart discloses a location information service supporting method of claim 1, wherein, in the location information sending service, the location information service supporting gateway changes the format of the location information into a format suitable for a service that uses the location information, and sends to a destination designated by a service provider that provides this service. and sends to a service provider that provides this service (Figures 7, 8a, 8b, 9a, 9b).

Claim 15: Stewart discloses wherein the location information service supporting gateway carries out the location information obtaining service and the location information sending service on schedule determined in advance (col 11, lines 60-65; col 10, lines 8-25).

Claim 17: Stewart discloses a location information service supporting method of claim 1, wherein, in the location information sending service, the location information service
supporting gateway checks the reaching of location information to a destination and sends an arrival notification to a mobile device of the locating target person (col 3, lines 20-37).

Claims 8, 9, 10, 11, 14, 22: Stewart discloses the above. Stewart further discloses the below features.

Claim 8: A location information service supporting method of claim 1, wherein the
location information service supporting gateway collects a service charge for the location information obtaining service and the location information sending service from at least one of the service providers, the locating target person, or a target person of service by the service provider.

Claims 9, 22: A location information service supporting method of claim 1, wherein the location information service supporting gateway accumulates, for each of the
service, the number of task processes incurred due to the provision of the

service, and collects a service charge according to the number of the processes from at least one of the service providers that provide the service, the locating target person, or a target person of service by the service provider.

Or, pays the service charge to the manager of the locating means.

Claim 10: A location information service supporting method of claim 1, wherein at least one of the location information service supporting gateway or a communication carrier that provides a wireless communication service to the mobile device collects a service charge for a service provided by the service provider on behalf of the service provider.

Claim 11: A location information service supporting method of claim 1, wherein the location information service supporting gateway provides a mobile device accompanying the locating target person, collects advertisement fee from the advertiser and pays to the service provider the advertisement fee as all or a part of the service charge for the service provided by the service provider.

Claim 14: A location information service supporting method of claim 12, wherein at least one of the location information service supporting gateway or a communication carrier that provides a wireless communication service to the mobile device collects, on behalf of a manager of the locating means, a locating fee due to a location by the locating means.

In regards to Claims 8, 9, 10, 11, 14, 22, Stewart discloses these features (Figure 13; col 29, lines 5-60; col 15, lines 45-55; col 15, lines 25-35).

Claim 16: The prior art discloses the above. Stewart does not explicitly disclose wherein the location information service supporting gateway periodically carries out the location information obtaining service to acquire a moving direction and a moving speed of the locating target person, and, in the location information sending service, sends the moving direction and the moving speed together with the location information.

However, Bide disclose these features ([8,11,19]; claims 2, 3). Also, note that Bide discloses presenting directional vector information. Hence, Bide discloses providing direction information. And, by definition, a vector includes magnitude or speed/velocity information. Hence, Bide discloses providing direction and speed information.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add further location/position/travel information to Stewart's location/position information . One would have been motivated to do this in order to better target the user based on position.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable Stewart (6,259,405) in view of [Bide (20020052684 OR Treyz (6,587,835)] in view of [Steele (2002/0046084) OR DeLorme (5,948,040) OR Cox (7,047,019)]

Claim 16: Stewart discloses the above. Also, note that claim 16 was rejected in view of Bide above and also in view of the rejection following.

Stewart does not explicitly disclose wherein the location information service supporting gateway periodically carries out the location information obtaining service to acquire a moving direction and a moving speed of the locating target person, and, in the location information

sending service, sends the moving direction and the moving speed together with the location information.

However, Steele ([120]) OR DeLorme (col 10, lines 35-59) OR Cox (col 5, line 65-col 6, line 10, claim 12) disclose these features.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add further location/position/travel information to Stewart's location/position information . One would have been motivated to do this in order to better target the user based on position.

(10) Response to Argument

Examiner notes that the combination of the prior art renders obvious the features of the Appellant's independent claim 1.

In reference to representative independent claim 1, the combination of the prior art renders obvious:

a location information obtaining service in which a location information service supporting gateway, situated between a first network including a mobile network and a

second network, receives information from a mobile device in the first network used to indicate locating capability of the mobile device (Stewart, Figures 1a, 10a, 11, 12a, 12b), selects at least one locating method, from a plurality of locating methods, for locating the mobile device based on the received information from the mobile device, and obtains a location information of the mobile device using the selected locating method indicating the location of a locating target person (Bide, ([20]; claim 8) ORTreyz, 23:35-24:5), the mobile device accompanied with the locating target person, so that a service provider provides a service relating to the location of the locating target person (Stewart, Figures 1a, 10a, 11, 12a, 12b); and

a location information sending service in which the location information service supporting gateway sends the location information to a destination designated by the service provider via the first or the second network (Stewart, Figures 1a, 10a, 11, 12a, 12b).

And, the preceding is obvious in light of the rejection above.

A.a.

On page 6 of the Appeal Brief dated 12/9/2008 in regards to claim 1, Appellant states:

“As evident in the rejection, the Examiner does not mention, let alone address, how any of the references teach "receiv[ing] information from a mobile device in the first network used to indicate locating capability of the mobile device". And, the Examiner fails to mention, let alone address, how any of the references teach determining the

locating method from a plurality of locating methods "based on the received information from the mobile device". Therefore, on its face, the Office Action is fatally deficient and does not meet the prima facie burden in rejecting claim 1."

On page 7, Appellant states, "Finally, Stewart clearly shows that it fails to teach the cited limitations. Stewart teaches a central device (service provider 140) with: (1) only one available locating method (not a plurality of locating methods); and (2) the locating method being selected independent of any locating ability of the mobile device."

On page 9, Appellant states, "First, each of the references fails to teach any centralized locating device that selects the locating method from a plurality of locating methods."

However, the prior art renders obvious receiving information from a mobile device in the first network used to indicate locating capability of the mobile device and determining the locating method from a plurality of locating methods based on the received information from the mobile device.

Examiner notes that it is the Applicant's claims as stated in the Applicant's claims that are being rejected with the prior art. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In interpreting claim language, the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art is applied, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description. See In re Morris', 127 F.3d 1048, 1054 (Fed. Cir. 1997). See also In

ream. Acad. of Sci. Tech. Ctr., 367 F.3d 1359, 1364 (Fed. Cir. 2004) andIn re Sneed, 710 F.2d 1544, 1548 (Fed. Cir. 1983). Claims are given their broadest reasonable construction. See *In re Hyatt*, 211 F.3d 1367, 54 USPQ2d 1664 (Fed. Cir. 2000). It is Appellant's burden to precisely define the invention. See In re Morris, 127 F.3d 1048, 1056 (Fed. Cir. 1997).

And, Appellant's claims have been interpreted that if a mobile device has GPS it can inform the central server that the mobile device has GPS. The central server can then use the GPS information to calculate a GPS only based location or the central server can use the GPS information to calculate a DGPS (Differential GPS) based location.

This interpretation is based on both the Appellant's prior comments as well as the Appellant's Specification.

For example, Examiner notes that on page 11 of the Appellant's Remarks dated 2/4/2008, Appellant states:

"Thus, in the event that it is determined that the mobile device includes a GPS function, the location information service supporting gateway selects "at least one locating method, from a plurality of locating methods" such as a Differential Global Positioning System (DGPS) locating method, as recited in claims 25 and 28."

And, Appellant's Specification (PG Pub version) states:

"[0065] Also, in a case where a user's mobile device is, for example, a portable phone with a GPS function, when a locating means pages the portable phone via network 2, the portable phone sends the current location information expressed

by latitude and longitude obtained by its GPS function back to the locating means. The locating means uses differential information of latitude-longitude information obtained by Differential Global Positioning System (DGPS), corrects the latitude-longitude information received from the portable phone, and generates location information.

[0175] When the result of the judgement is positive, service supporting gateway 1 conducts correction of information of the current location when necessary (for example, a correction of latitude and longitude when location is carried out using DGPS), and generates location information of the locating target person."

Hence, the claims have been interpreted that if a mobile device has GPS it can inform the central server that the mobile device has GPS. The central server can then use the GPS information to calculate a GPS only based location for the mobile device or the central server can use the GPS information to calculate a DGPS (Differential GPS) based location for the mobile device.

And, Stewart discloses that a mobile device utilizes GPS for determining geographic location: "In another embodiment, the PCD 110A may provide geographic location information of the PCD 110A through the AP 120 to the network 130. For example, the PCD 110A may include GPS (Global Positioning System) equipment to enable the PCD 110A to provide its geographic location through the AP 120 to the network 130, e.g., service provider 140 located on the network 130." (6:18-25).

And, Stewart discloses that the mobile device and is communication with a central service (Figures 1a, 10a). Stewart further discloses determining user location information for better services providing (Figures 10a, 11, 12a, 12b).

And, Bide discloses using user obtained GPS information and then that better location information via DGPS can be obtained:

"[0020] The User Position Detector (UPD) will typically, but not exclusively, employ wireless technology for the reception of satellite or terrestrial radio transmissions to determine the user's current x,y,z spatial co-ordinates. Such transmissions can currently be derived from the US DoD Global Positioning System (GPS) satellites or the Russian GLONASS satellites and for greater accuracy may be combined with Differential GPS (dGPS) data transmissions provided by local FM/RDS, GSM, coast-guard or any other convenient source. The UPD may equally well derive its positional data from entirely different sources, for instance employing the Cambridge Positioning Systems (CPS) CURSOR concept or any other convenient positioning technology.

[claim] 8. A portable information-providing apparatus according to claim 6, in which the position detector includes a GPS or a dGPS or a CPS CURSOR or a GLONASS receiver."

Alternatively, Treyz discloses using user obtained GPS information and then that better location information via DGPS can be obtained; or that the GPS information can be corrected at a central service using DGPS:

"If desired, the location of handheld computing device 12 and therefore the

user may be determined using global positioning system (GPS) satellites, as shown in FIG. 18. Handheld computing device 12 may receive satellite signals from GPS satellites 246. By analyzing these signals with GPS receiver 248, handheld computing device 12 can determine the location of the user. The resolution of current GPS systems is purposefully limited by the government. If a higher resolution is desired, a differential GPS (DGPS) system may be used. In DGPS systems, the known (e.g., surveyed) position of a base station such as base station 250 may be used as a reference point. By comparing the known position of base station 250 that is indicated by a GPS receiver at station 250, the error of the GPS signal in the proximity of base station 250 can be determined. If a handheld computing device 12 is relatively close to such a base station (e.g., within a number of miles), the handheld computing device's GPS location may be corrected by the same amount that was determined to be necessary to correct the position of base station 250.

If desired, handheld computing device 12 and base station 250 may be in wireless communications (e.g., over a remote wireless link 252 using antenna 254). The DGPS correction to the position of handheld computing device 12 may be made at the handheld computing device 12 (by supplying the needed correction data to the handheld computing device 12 from base station 250), at base station 250 (e.g., by providing the handheld computing device's raw GPS position to base station 250), or may be performed elsewhere (e.g., by providing an appropriate facility with the error correction data from base

station 250 over a communications network and by providing the GPS position data of the handheld computing device using wireless communications and a communications network path)" (23:35-24:5).

Particularly notice in Treyz that, "The DGPS correction to the position of handheld computing device 12 may be made at the handheld computing device 12 (by supplying the needed correction data to the handheld computing device 12 from base station 250), at base station 250 (e.g., by providing the handheld computing device's raw GPS position to base station 250), or may be performed elsewhere (e.g., by providing an appropriate facility with the error correction data from base station 250 over a communications network and by providing the GPS position data of the handheld computing device using wireless communications and a communications network path)" (23:35-24:5).

Hence, in Treyz, the handheld device provides GPS location information. Then, the GPS information may or may not be corrected via DGPS. The DGPS correction utilizes the GPS information and can occur at a variety of locations or "performed elsewhere". The DGPS corrected location is then sent back to the handheld device.

Hence, the prior art combination discloses that the mobile device provides GPS location information to a central service. The central service then uses straight GPS or DGPS to confirm or correct the users location information.

Hence, the prior art renders obvious receiving information from a mobile device in the first network used to indicate locating capability of the mobile device and

determining the locating method from a plurality of locating methods at the central service based on the received information from the mobile device.

On page 10 in regards to claim 15, Appellant states, “Specifically, Claim 15 recites that "the location information service supporting gateway carries out the location information obtaining service and the location information sending service on schedule determined in advance."

Again, Examiner notes that claims are given their broadest reasonable interpretation. And, this claim can be interpreted as the central service performing actions on a predetermined schedule. And, actions performed periodically, or at regular or periodic time intervals, are actions performed on a schedule determined in advance. Note that a periodically means “at regular intervals of time” (Merriam Webster).

And, Stewart discloses the gateway performing actions periodically or on a schedule determined in advance:

“In another embodiment, a wireless AP 120 may send out a signal periodically that is recognizable by PCD 110, e.g., PDAs, laptop computers, or other mobile user devices. This signal may inform the PCD 110 that a wireless AP 120 is near and offer the MU using that PCD 110 access to the system. (11:60-65)

Hence, Stewart renders obvious the gateway performing actions on a schedule determined in advance.

On page 10 in regards to claim 17, Appellant states, "In addition to possessing the features of independent claim 1, claim 17 recites "wherein, in the location information sending service, the location information service supporting gateway checks

the reaching of location information to a destination and sends an arrival notification to a mobile device of the locating target person."

However, Stewart discloses sending the user a message based on the user's particular location (Figure 6; and below ciations):

"In one embodiment of the present invention, the system may determine the location of the PCD 110, but not operate to provide continual tracking of the PCD's whereabouts. For example, upon establishing a connection with an access point 120, the PCD 110 may transmit a message inquiring "Where is this AP?". Upon receiving an answer that the access point is located at the user's destination airport, the PCD 110 may then transmit an e-mail containing reservation information to a car rental agency or hotel via the access point 120. The access point routes the message through a network connected to the access point 120 so that the user's car or hotel room is ready upon his arrival. Once the E-mail message is provided to the access point, it is not necessary to continue to track the PCD.

In response to the message inquiring "Where is this AP?", the access point may transmit the location information of the access point to the PCD 110, and also transmit the presence of the PCD 110 to one or more service providers. (17:35-53)

In step 940 the designated hotel receives the desired hotel reservation information from the AP 120 or from the service provider, makes the reservation, and prepares for the arrival of the MU. As noted above, the

designated hotel may also receive the geographic location information to determine an approximate estimated time of arrival (ETA) of the MU. After the reservation is complete, the hotel may transmit a message to the MU's PCD 110 indicating the state of preparedness. (22:65-23:7)

In step 1055 the designated taxi service may send a message to the MU's PCD indicating the estimated time of arrival of the taxi at the location of the MU, and identifying information about the taxi (e.g., color, license number). (25:28-32)

As another example, the MU's PCD 110 may direct an inquiry through the access point 12 over the network 130 connected to the user's bank to locate the nearest ATM in the immediate vicinity of the MU. Since the MU's location is established with relative precision by the location of the hybrid wired and wireless access point 124, the service provider may respond with a message such as "Straight ahead to exit 3, turn right and proceed two blocks." (25:55-62)

In step 1140 the location service provider may transmit a message to the AP and/or the MU's PCD indicating the locations of the providers, e.g., restaurants, found in step 1130, along with their names, food styles, restaurant styles, and any information available on the restaurants (e.g., specials, menus, credit cards accepted). (26:25-31)

In another embodiment, a wireless AP 120 may send out a signal periodically that is recognizable by PCD 110, e.g., PDAs, laptop computers, or other mobile user devices. This signal may inform the PCD 110 that a wireless AP 120 is near and offer the MU using that PCD 110 access to the system" (11:65).

Additionally, Treyz discloses sending a message or alert when the user reaches particular destinations:

"The shopping assistance service may display information on specials. The user may search for desired products, services, and stores at the mall. Various types of messages may be provided to the handheld computing device. For example, a proximity message may be provided. The user may be alerted when a message is received from a nearby merchant. The user may also be alerted to the availability of a special. Messages regarding specials may include interactive features. Messages may be provided to the user to notify the user or to remind the user of certain events. The user may adjust alert settings for various message types. (2:65-3:10)

The supermarket shopping assistance service may also be used to place orders for products. The products may be delivered to the user from an order fulfillment facility or may be picked up by the user in the supermarket. As an example, the user may use the handheld computing device to place a deli order to be picked up in the store. The order may be place over a local or remote wireless link. The deli may send a notification to the user over the remote or local wireless link when the order is ready to be picked up. This arrangement may also be used in other retail environments. For example, orders may be placed and notifications sent at shopping malls, department stores, airports, etc." (3:35-47).

In regards to arguments concerning Claim 18, please see the Response to Arguments for claim 1 preceding.

On page 16, in regards to claim 23 and 26, Appellant states, “Therefore, Stewart fails to teach any determination of the "type of mobile device" and any selection of the locating method based on the determined type.”

However, the prior art renders obvious different mobile device types and using a locating method that works with the appropriate mobile device type.

Stewart discloses use a variety of different types of mobile device:

“The portable computing device 110A or 110B (referred to generally as PCD 110) may be any of various types of devices, including a computer system, such as a portable computer, a personal digital assistant (PDA), an Internet appliance, a communications device, such as a cellular phone, digital wireless telephone, or other wired or wireless device. The PCD 110 is designed to communicate with an access point 120, 122, or 124 (referred to generally as AP 120). The PCD 110 may include a memory which stores information regarding desired information or services. The memory may also store demographic information of the user” (11:9-20).

And, Stewart discloses that different devices can have different locating methods based on device types:

“Since the geographic location of each access point 120 is defined and known, such as by each respective MIB 150, detection of the presence of a PCD 110 by an access point allows a MIB 150 to know the approximate or exact location of

the mobile user of PCD 110 at any given time. For example, the MIB 150 may store the latitude, longitude, altitude, and other geographic information such as a local map of the area of each access point 120. The precision available in this type of mapping scheme may be more than that typically achieved in a cellular telephone system. " (17:8-18).

In this citation preceding, Stewart discloses that cellular phones use one form of locating method. Hence, the mobile device type of cellular phone is known to use a cellular phone type locating system.

Also, Treyz discloses a variety of locating methods and that certain locating methods work with certain mobile device technology types:

"Wireless communications paths over longer distances (e.g., fractions of miles or more) are referred to herein as "remote" communications paths or links. Examples of remote communications paths include cellular telephone links to terrestrial cellular base stations, satellite links (e.g., to communications satellites that provide Internet access, wireless telephone services, or data services or the like), links to FM data services that are distributed from terrestrial broadcast stations, etc. (13:38-46)

Other techniques may be used for determining the location of handheld computing device 12 if desired. For example, a rough position of handheld computing device 12 may be obtained by determining which terrestrial antennas (or more broadly which satellites) are receiving communications from handheld computing device 12. An approach of this type that uses terrestrial antennas

in communication with handheld computing device 12 over remote wireless links may be sufficiently accurate to place handheld computing device in a particular city or portion of a city or the like. More precise location information may be obtained using time-of-flight and triangulation techniques. Such techniques may involve the use of multiple terrestrial antennas.

These approaches, a combination of these approaches, or any other suitable location-determination arrangements may be used if desired" (24:5-20).

Hence, the prior art discloses utilizing a variety of different mobile device types. And, the prior art discloses that different mobile device types utilize different locating methods or different communications protocols. Hence, the communication protocol used by the mobile device is an indicator to what type of mobile device it is. And, the prior art renders obvious that the central service chooses a locating method that corresponds with the communication/locating protocol available to the different mobile devices.

Hence, the prior art renders it obvious different mobile device types and using a locating method that works with the appropriate mobile device type.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Arthur Duran/
Primary Examiner, Art Unit 3622
2/3/2009

Conferees:

Eric Stamber /E. W. S./
Supervisory Patent Examiner, Art Unit 3622

Vincent Millin /vm/
Appeals Practice Specilaist